

REMARKS/ARGUMENTS

Claims 25-49 are pending. Claim 25 has been revised for clarity and for consistency with U.S. practice. The dependent claims have been revised for consistency with the amendment of Claim 25 and for proper dependency and antecedent basis. Accordingly, the Applicants do not believe that any new matter has been introduced.

Rejection—35 U.S.C. §103

Claims 25, 26, and 31-38 were rejected under 35 U.S.C. 103(a) as being unpatentable over Turner et al., U.S. Patent No. 6,307,099, in view of Beard et al., WO 00/71226. The cited prior art does not render the claimed process obvious because it does not disclose, suggest or provide a reasonable expectation of success for the claimed invention.

Turner does not disclose or suggest the process of the present invention, because it is directed to a reaction process in which a product and solvent recovery step is described after a reactor and other steps are described even after the recovery step. The Official Action indicates that Turner differs from the claimed process with respect to the drying step. As shown in Fig. 1 the “product may be recovered vial line 30 for drying” (col. 13, line 54).

On the other hand, in the process of the invention, no other step is required after the recovery step. Since a drier is unnecessary, energy used in the drying step is reduced and a simple process is provided--see the specification, page 3, 3<sup>rd</sup> full paragraph which discloses that an “object of the invention is to reduce the use of energy in the drying step by utilizing internal energy that the slurry after reaction has, and. . .to greatly reduce energy to be used by dring the cake only by internal energy”.

Beard does not provide any motivation for drying step (C) of the present invention into the method of Turner. While Beard describes a discharge valve, it is silent about the result of drying after the discharge value step. In fact, the Beard abstract indicates

“Subsequently, the depressurized solid phase material can be conveyed to other equipment for **drying** or other processing (emphasis added)” and lines 5-6 from the bottom of page 5 contemplate “(g) conveying the depressurized solid phase material to a **dryer** (emphasis added)”. Thus, even though page 4 of Beard refers to “flashing” of the solid phase material, it does not suggest drying step (C) of the invention which requires moving the separated solid into a compound recovery zone under conditions in which the internal energy released by the movement of the compound into the compound recovery zone evaporates the cake-attached liquid. Therefore, Beard cannot provide a reasonable expectation of success for the present invention and provides no motivation for performing step (C) of the invention in conjunction with the process described by Turner et al. Moreover, neither Turner nor Beard disclose or suggest the other specific process conditions required by the dependent claims. Accordingly, the Applicants respectfully request that this rejection be withdrawn.

Rejection—35 U.S.C. §103

Claims 27-30 and 39-49 were rejected under 35 U.S.C. 103(a) as being unpatentable over Turner et al., U.S. Patent No. 6,307,099, in view of Beard et al., WO 00/71226. The Applicants respectfully request that this rejection be withdrawn for the reasons discussed above. The Official Action indicates that it would have been obvious to optimize the process parameters disclosed by these references to produce a purer product at a higher speed. However, the cited prior art does not indicate which reaction parameters to optimize (i.e., which parameters are “results effective”). Therefore, one with ordinary skill in the art would not have had a reasonable expectation of success for practicing the present invention based on the teachings of these documents. Accordingly, the Applicants respectfully request that this rejection also be withdrawn.

Appl. Serial No.: 10/713,013

In reply to Official Action of February 22, 2006

CONCLUSION

In view of the above amendments and remarks, the Applicants respectfully submit that this application is now in condition for allowance.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon

Customer Number

22850

Tel: (703) 413-3000  
Fax: (703) 413-2220  
(OSMMN 08/03)

A handwritten signature in black ink, reading "Thomas M. Cunningham". The signature is written in a cursive, flowing style.

Thomas M. Cunningham, Ph.D.  
Registration No. 45,394